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ABSTRACT

This report provides an overview of programs authorized under the Individuals with Disabilities Education Act (IDEA) and discusses potential reauthorization issues. Programs include the Grants to States program, preschool program, infants and toddlers program, and discretionary grant programs. For each program, information includes fiscal year 1995 appropriations, number of children served, allocation formula used, number of states participating, and the legislation that established the program. Total funding for all IDEA programs from fiscal year 1980 to 1995 is charted. Reauthorization issues for each program are reviewed briefly, such as inclusion of children with disabilities in regular education classes, transition of young children with disabilities, financing of early intervention, and reform of special education. (JDD)

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Individuals With Disabilities Education Act: Reauthorization Overview

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The Individuals with Disabilities Education Act (IDEA) authorizes several programs to support and improve the education of children and youth with disabilities. The grants to States and preschool programs are permanently authorized. The infants and toddlers and discretionary grant programs are authorized through FY 1994. The General Education Provisions Act has automatically extended the latter programs at least through FY 1995. Reauthorization of the infants and toddlers and discretionary grant programs may occur in the 1st session of the 104th Congress. In addition, amendments to the grants to States and preschool programs may also be considered. This report provides an overview of these programs and potential reauthorization issues.

Background

Grants to States Program. Part B, section 611 of IDEA authorizes formula grants to participating States to assist them in serving children with disabilities ages 3-21. All States voluntarily participate in the program. Children with disabilities are those identified as having 1 or more of 10 physical or mental disabilities ranging from hearing impairments to learning disabilities. Children with disabilities are entitled to a free appropriate public education (FAPE) in the least restrictive educational setting. For each disabled child, FAPE is to include the special education and related services identified in the child's individualized education program (IEP). In addition, children with disabilities and their parents or guardians are entitled to procedural safeguards. During the 1992-93 school year, approximately 4,894,000 children with disabilities were served. In general, funds are allocated to participating States based on the number of disabled children ages 3-21 served. The allocation formula permits a maximum grant per disabled child served of 40 percent of the national average per pupil expenditure (APPE). This program was established by the Education for All Handicapped Children Act of 1975, P.L. 94-142.

Preschool Program. Part B, section 619 of IDEA authorizes formula grants to participating States to assist them in serving children with disabilities ages 3-5. All States voluntarily participate in the program. Preschoolers with disabilities are entitled to FAPE in the least restrictive educational setting, including special education and related services according to their IEP. About 442,000 preschoolers with disabilities were served in the 1992-93 school year. In general, funds are allocated to participating States based on the number of disabled children ages 3-5 served. The allocation formula permits a maximum

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grant per disabled preschooler served of $1,500. This program was established by the Education of the Handicapped Act Amendments of 1986, P.L. 99-457.[1]

Infants and Toddlers Program. Part H of IDEA authorizes formula grants to participating States to assist them in the establishment and operation of early intervention systems for infants and toddlers with disabilities who are under the age of 3. All States voluntarily participate in the program and have met a deadline of September 30, 1994, for full implementation of early intervention systems in accordance with the requirements of part H. Under the implementation timetable outlined in part H, States had been allowed to slowly phase in their early intervention systems since the program's inception. Infants and toddlers with disabilities are those identified as having delay in one or more of five areas of development. In addition, at the discretion of the participating State, infants and toddlers at risk of developmental delay may also be eligible for services. Infants and toddlers with disabilities who are under the age of 3 and their families are entitled to a range of early intervention and support services. Services are provided according to the child's individualized family service plan. In 1992, about 138,000 infants and toddlers with disabilities were served. In general, funds are allocated to participating States based on the number of children in the general population who are under the age of 3. This program was established by the Education of the Handicapped Act Amendments of 1986, P.L. 99-457. The most recent reauthorization of part H, the Individuals with Disabilities Education Act Amendments of 1991, P.L. 102-119, focused on improving the family nature of services.

Discretionary Grant Programs. Parts C through G of IDEA authorize a variety of programs to support special education and early intervention research, demonstrations, technical assistance, and personnel training. The programs are collectively referred to as the discretionary grant or special purpose programs. Among the programs are the following: deaf-blindness; serious emotional disturbance; severe disabilities; early childhood education; secondary and transitional services; postsecondary education; innovation and development; media and captioning services; technology applications; special studies; personnel development; parent training; clearinghouses; and regional resource centers. The oldest of these programs dates to 1958; the newest to 1990. In general, funds are awarded on a competitive basis. The most recent reauthorization of parts C through G, the Education of the Handicapped Act Amendments of 1990, P.L. 101-476, focused on increasing the availability of transition services to assist disabled individuals in moving to either further education or work and independent living.

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[1]Prior to 1986, a similar program existed which provided incentive grants to States to serve disabled preschoolers.

Funding

Total funding for all IDEA programs is $3,252,846,000 in FY 1995. This amount represents the continuation of a trend of increased appropriations annually since FY 1986. Total funding for IDEA generally remained level, after adjusting for inflation, from FY 1980 to FY 1986. Since FY 1986, total funding has increased annually, after adjusting for inflation, primarily due to increased appropriations for the preschool and infants and toddlers programs.[2] The chart shows the funding trend for IDEA in constant FY 1995 dollars. The table below presents the FY 1995 appropriations for the IDEA programs.

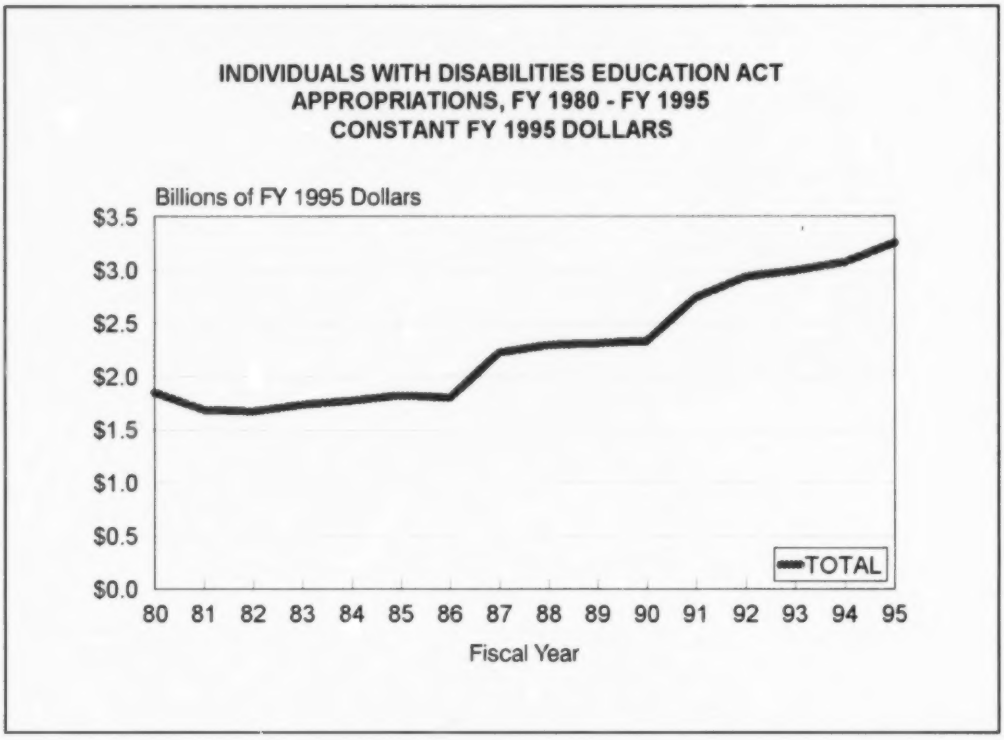

TABLE 1. FY 1995 Appropriations for IDEA Programs	
Grants to States Program	$2,322,915,000
Preschool Program	$360,265,000
Infants and Toddlers Program	$315,632,000
Discretionary Grant Programs	$254,034,000

[2]In FY 1995, total funding for IDEA also increased due to the merger of the former chapter 1 handicapped program into IDEA. The chapter 1 handicapped program was formerly authorized under the Elementary and Secondary Education Act. The Improving America's Schools Act, P.L. 103-382, merged the program into IDEA.

Reauthorization Issues

Grants to States Program. Among the issues that may be considered is the **inclusion** of children with disabilities in regular education classes. Inclusion is an issue that has received widespread attention in recent years and refers broadly to systematic efforts to teach and serve children with disabilities in regular education classrooms alongside their nondisabled peers.[3] Basically, it asks schools to make a greater effort to implement the least restrictive environment (LRE) requirement of part B. The LRE requirement states that children with disabilities must be educated to the maximum extent appropriate with children who do not have disabilities. Further, educating a child with a disability in a special class or separate school may occur only when the nature or severity of the disability is such that education in the regular classroom with the use of supplementary aids and services cannot be achieved satisfactorily. Several school districts across the Nation have had positive experiences with inclusion. Critics, however, argue that widespread adoption of inclusion would overburden regular classroom teachers, detract from the education of other students, and is not affordable because of the costs of supplementary aids and services. Options to promote inclusion vary from administrative responses such as placing more emphasis on compliance with the LRE requirement in Federal monitoring of school districts to legislative responses such as amending the program's funding formula to provide a financial incentive to serve more disabled children in regular classes. Other legislative responses may include amending the program's State plan requirements to encourage States to address inclusion and amending other Federal education programs (such as the title I program for disadvantaged children under the Elementary and Secondary Education Act) to permit the use of funds to support disabled children in regular classes.

Among the **other issues** that may also be addressed are the full funding of the allocation formula, the overrepresentation of minority children in special education, and reform to the procedural safeguards provided to parents of children with disabilities.

With regard to the funding formula, concern has been expressed by some that annual appropriations have never been sufficient to provide each State its maximum allocation and thus result in an unfunded mandate. The nearest appropriations have ever come to providing the 40 percent of national APPE per disabled child served was in FY 1980 when State allocations represented 12.5 percent of national APPE. With regard to the overrepresentation of minority children in special education, concerned observers use as evidence of bias in special education programs such statistics as black children accounting for almost a quarter of all children identified as having a serious emotional disturbance, whereas black children account for only 16 percent of overall school enrollment. With regard to procedural safeguards, there is concern that parents and school officials too often find themselves in an adversarial conflict over the provision of FAPE to children with disabilities. In particular, the role and cost of attorneys in formal disputes has been questioned by some.

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[3]For the purposes of this discussion, a distinction is made between "inclusion" and "full inclusion." "Full inclusion" calls for the placement of all children with disabilities, without regard to the nature or severity of their disability, in regular education classes. "Inclusion" seeks as a general rule the placement of all children with disabilities in regular education classes but allows for limited exceptions where children with severe disabilities may need a separate placement.

Preschool Program. Among the issues that may be considered is the **transition** of young children with disabilities from the infants and toddlers program to the preschool program. When disabled children turn 3-years-old, the program that serves them changes from the infants and toddlers program to the preschool program, with a different range of available services. There is concern among some that this switch from one program to another creates an artificial distinction between young children with disabilities at the age of 3 because it neither reflects any significant change in needs nor the best means to deliver services. To these observers, there should be one program that serves young children with disabilities from birth to school-age. Others point out, however, that the 1991 amendments to IDEA (P.L. 102-119) made changes to the program to promote coordination with the infants and toddlers program and have in many respects effectively created a seamless system for young children with disabilities. Options vary from making further refinements to the program such as specifically including certain early intervention services in the preschool program to merging the two programs.

Infants and Toddlers Program. Among the issues that may be considered is the **financing** of early intervention services. A federally funded evaluation of the progress of States in phasing in their early intervention systems found that alternative financing options must be developed if the program is to evolve into the next phase of full service delivery. Currently, part H requires that other Federal, State, local, and private sources be used first to pay for services and that part H be used to pay for services only as a last resort. The Federal-State Medicaid program, for instance, is a major source of funding. Options vary from developing a single source of funding to enhancing access to the range of existing sources, including the possibility of automatically granting eligibility for Medicaid to part H eligible infants and toddlers.

Discretionary Grant Programs. Among the issues that may be considered is the **reform** of special education. The emphasis on National Education Goals and systemic school reform by Goals 2000: Educate America Act, P.L. 103-227, has raised concern about the quality of education for students with disabilities. The roles that the discretionary grant programs may play in special education reform include: (1) training regular and special education personnel in classroom practices and techniques to integrate disabled and nondisabled students; (2) developing appropriate standards and methods of assessment to monitor the progress of disabled children and youth towards these standards and the National Education Goals; (3) supporting innovative experiments in serving disabled pupils; and (4) facilitating the dissemination of best practices to school personnel.